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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,567	04/24/2000	Louis J. Giliberto	204843	7174

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/556,567

Applicant(s)

GILIBERTO ET AL.

Examiner

George Neurauter

Art Unit

2158

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The use of the trademark BLUETOOTH has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner that might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 3 rejected under 35 U.S.C. 102(a) as being anticipated by “Specification of the BLUETOOTH System Profiles Version 1.0B” (hereinafter “Profiles”).

Regarding claim 3, “Profiles” discloses a method of automatically routing an RFCOMM connection to a proper device type comprising the steps of: detecting a new device for connection; determining the type of the new device; enumerating a physical device object associated with the new device if the new device is a dial-up networking device; and exposing the device to an application by way of a transport driver interface if the device is not a DUN device. [pages 66-67, 70, 73, 76-77, 79, 174-175, 223, and 226-227]

Claim Rejections - 35 USC § 103

Art. Unit: 2158

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over “Profiles” in view of “Networking over BLUETOOTH: Overview and Issues” by Bhagwat (hereinafter “Issues”).

Regarding claim 1, “Profiles” discloses where for use in a computer, a method of exposing a dial-up networking device to an application as a modem via RFCOMM, the method comprising the steps of:

detecting a new connection to a remote device; determining whether the remote device is a dial-up networking device; if the remote device is the dial-up networking device, enumerating a physical device object corresponding to the remote device; and using the physical device object to communicate between a BLUETOOTH modem driver and RFCOMM. [pages 66-67, 73, 76-77, 174-175, 223, and 226-227]

“Profiles” does not expressly disclose the lack of requiring a modem driver to specifically utilize an emulated COM port, however, “Profiles” does disclose that the communication

Art. Unit: 2158

between a BLUETOOTH modem driver and RFCOMM can be done by any sort of API and not only through the use of emulated serial ports [page 171; page 178, “4.1 RS232 Control Signals”, paragraph 1 and 2]

“Issues” expressly suggests that emulation of serial ports may be eliminated when used with BLUETOOTH and RFCOMM [page 38-40, specifically page 38]

It would have been obvious to one skilled in the art at the time the invention was made to use the method as described in “Profiles” with the elimination of serial ports as described in “Issues”. Both “Issues” and “Profiles” are directed to using RFCOMM with BLUETOOTH [specifically pages 3, 8, and 13 in “Issues”][specifically pages 22 and 66 of “Profiles”, which would motivate one of ordinary skill in the art to combine the teachings of “Profiles” and “Issues”. Therefore, it would have been obvious to achieve the limitations as described in claim 1.

4. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over “Profiles” in view of “Specification of the BLUETOOTH System Core Version 1.0B” (hereinafter “Core”).

Regarding claim 2, “Profiles” discloses where for use in a computer, a method of exposing a remote device to an application as sockets via RFCOMM, the method comprising the steps of:

detecting a new connection to the remote device; determining whether the remote device is a dial-up networking device; and if the remote device is not the dial-up networking device, allowing access to the remote device through an interface available to the application. [pages 66-68, 70, 73, and 79]

Art. Unit: 2158

“Profiles” does not expressly disclose a method wherein access is established by a RFCOMM channel number and remote device address pair, however, “Profiles” does disclose a general method using a RFCOMM channel number and remote device address pair [page 43] and a description of the device address [page 25].

“Core” discloses the method wherein the access to the remote device is established by a RFCOMM channel number and remote device address pair. [pages 296-302]

It would have been obvious to one skilled in the art at the time the invention was made to use the method as described in “Profiles” with using a RFCOMM channel number and remote device address pair as described in “Core”. “Profiles” and “Core” are both directed to the specification of the BLUETOOTH architecture, which would motivate one skilled in the art to combine the teachings. Therefore, it would have been obvious to achieve the limitations as described in claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Neurauter whose telephone number is 703-305-4565. The examiner can normally be reached on Mon-Fri 8am-4:30pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

Application/Control Number: 09/556,567
Art Unit: 2158

Page 6

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September 19, 2002



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